

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 1, 2000

FOSTER CARE AUDITS LETTER NO. 2000-05

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL GROUP HOME PROVIDERS
ALL MENTAL HEALTH DIRECTORS

SUBJECT: "50 WAYS TO PASS YOUR AUDIT" – TRAINING QUESTIONS AND
ANSWERS SUMMARY

The California Department of Social Services, Foster Care Audits Branch (FCAB) staff have completed statewide training sessions for group home providers on how to prepare for and pass a provisional rate and/or program audit. During the 38 sessions, held between November 16, 1999 and March 2, 2000, the auditors collected the questions asked at each session. As promised, this letter contains a summary of those questions and answers discussed at all the training sessions.

I want to thank everyone who attended and participated in the "50 Ways" training, with a special thanks to those provider staff who took the time to share their own personal audit experiences during the sessions.

If you have any questions or concerns, please contact Ms. Judi Queirolo, Manager, Audits Policy and Support Section, at (916) 274-0445.

Sincerely,

(Original signed by Cora Dixon for JC)

JUDY COLBERT, Chief
Foster Care Audits Branch

Enclosure

c: County Welfare Directors' Association
Foster Care Alliance
African American Foster Parent and Group Home Association
Community Residential Care Association of Los Angeles County
Association of Minority Adolescents in Residential Care Homes of Los Angeles
County
California Alliance of Child & Family Services
Association of Minority Adolescents in Residential Care Homes (AMARCH)

FOSTER CARE GROUP HOME PROVIDER TRAINING QUESTIONS AND ANSWERS

AUDIT SCHEDULING

1. **Question:** How are group homes selected for audit?
Answer: For audits of **ongoing programs**, auditees are determined either by random selection or by referral by a state agency, a county placement agency or private entity. Pursuant to the Manual of Policies and Procedures (MPP) Section 11-402.532, group home programs with a provisional rate set by the Foster Care (FC) Rates Bureau (FCRB) can expect a **two-month provisional** rate audit to be conducted after the sixth month from the effective date of the provisional rate. This applies to all new providers, existing providers with new programs, and Rate Classification Level (RCL) increases.
2. **Question:** Are audits always scheduled in advance, or are they a “surprise”? Is any written notice given?
Answer: Program and provisional rate audits of FC group homes are always scheduled in advance, and the provider is given confirmation in writing after the lead auditor makes the initial contact. MPP Section 11-402.51 requires the Department to provide 30 days written notice prior to the audits.
3. **Question:** Where do the entrance conference and the field audit take place? Does an entrance conference take place at each facility in a group home program?
Answer: Only one entrance conference occurs prior to the field portion of the audit. MPP Section 11-402.51 states that the audit shall be conducted at the group home site or other sites as determined appropriate by the Department. The group home provider may designate the appropriate location for both the entrance conference and the field audit, which can be at the corporation’s administrative site or at the group home facility.
4. **Question:** Are audits always conducted on a fiscal year (FY) basis? What fiscal year is being audited now?
Answer: Yes, the most recently completed State fiscal year is audited for on-going program audits. The most recently completed current month is audited, as well. Currently, FY 1998/99 (July 1, 1998 through June 30, 1999) is being audited. Beginning July 1, 2000, FY 1999/00 (July 1, 1999 through June 30, 2000) will be audited.
5. **Question:** We keep our records based on a 12-month calendar year, rather than a State fiscal year because the FCRB requires us to report our annual information on a calendar year basis. Why does the State audit to

a fiscal year and how can we keep our records correctly to avoid confusion of the overlapping time periods?

Answer: The calendar year information is required by the FCRB to set the annual rate which is effective July 1. If a provider keeps accurate calendar records, an auditor can easily obtain the FY information by reviewing six months of records for two calendar years.

6. **Question:** Who performs the audits, and what are their qualifications?

Answer: The staff conducting the group home audits are employees of the Department and are classified as General Auditors. Qualifications for General Auditors include, but are not limited to experience in auditing and/or accounting and a college degree with specialization in accounting and/or completion of a prescribed professional accounting curriculum

7. **Question:** How many auditors are sent out to each audit, and how long does an audit take?

Answer: It depends on the audit period (e.g., a 12-month program audit versus a 2 month provisional rate audit) and the size of the program. A 12-month program audit of a six-bed program may take two auditors 4-5 days, while an audit of a 36-bed program may take three auditors 2-3 weeks. A 2-month provisional rate audit or a 3-month program audit is often completed in less than a week. The condition of the records is also an important factor.

8. **Question:** Does the time clock start ticking on provisional rate audits based on the date the rate was set? Which two months would be selected for a provisional rate audit?

Answer: The effective date of the provisional rate starts the audit time-clock ticking. Pursuant to MPP Sections 11-402.412 and 11-402.424, for new programs and new providers, respectively, the **effective date** of the rate is the **later** of: (a) date of first placement; (b) date the Department received a complete rate application; or (c) date of the provisional license. In accordance with MPP Section 11-402.435(b)(2), the effective date of the provisional rate, for an existing program with an RCL increase is the **later** of the provider's proposed effective date on the Group Home Program Rate Application (SR 1) that was submitted for the program change, **or** 30 days after the postmark on the program change application. MPP Section 11-402.532(c) states that the provisional rate audit will occur after the sixth month from the effective date of the provisional rate. Additionally, the audit report must be issued no later than the thirteenth month from the effective date of the provisional rate. Although the exact two months to be audited would not be determined until the audit is scheduled, it is safe to assume that an auditor would be contacting a provider any time after the seventh month from the effective date of the provisional rate.

9. **Question:** What if a provider wanted to start a foster family agency (FFA)? Would this trigger a provisional rate audit?
Answer: No. The applicable regulations for FFAs are separate from group home regulations and the state statute implementing provisional rate audits did not apply to FFAs. (MPP Section 11-403)
10. **Question:** Is a “current” month included in the provisional rate audit?
Answer: No. The two months or 60 consecutive days in the provisional rate audit period are already current months.
11. **Question:** Is corrective action offered prior to rate reduction for those who fail a provisional rate audit?
Answer: No. Corrective action is an opportunity to bring a current program into compliance and is offered only to those providers who fail the current month portion of an on-going program audit. The audit period for provisional rate audits is two current months, so corrective action is not applicable for these audits.
12. **Question:** We operate more than one facility. If we add another six-bed facility, will the new facility be audited, or the whole program? Should we keep separate records for the new facility? If the new home does not pass the audit, is the whole program’s rate affected? Would this result in a provisional rate audit? What if we open an additional facility for children of a different age?
Answer: Pursuant to MPP Section 11-400p.(10), the three types of program applications that initiate a provisional rate audit are: 1) a new provider with a new program; 2) an existing provider with a new program; or 3) an existing provider requesting an RCL increase. Adding a six bed facility to an existing foster care group home program is an “expansion” of services within the current program and considered a license capacity increase, rather than an RCL increase. This type of program change does not trigger a provisional rate audit, as the RCL is not increasing. If you were to add a new program for children of a different age group, the needs and services for the new children would possibly be different from your existing program. If the FCRB determines that the additional facility is a separate program, you would receive a provisional rate for having a new program. For rate audit purposes, audits are conducted of **programs** rather than individual **facilities**. If you have additional questions concerning new programs and the effects of such changes, please contact your Rates Consultant.
13. **Question:** How frequently is a group home program audited?
Answer: MPP Section 11-402.51 currently states that the Department shall conduct program audits as often as necessary to ensure compliance with all requirements.

14. **Question:** What is the chance of a second program audit occurring **soon** after the first program audit? If a provider fails a provisional rate audit and the rate is reduced, will an ongoing program audit be conducted for a full fiscal year which could include the same period?
Answer: It would not be an efficient use of resources to re-audit the same providers over and over. However, there are instances where findings from a previous audit are so significant that a subsequent audit may be conducted to ensure compliance with program requirements. For provisional rate providers, the first six months are not audited, and any future audit would be of a subsequent period.
15. **Question:** If a provider has two different group home programs, at two different RCL's, will both programs be audited?
Answer: Not necessarily. Usually, only one program at a time is audited, and each program is audited individually.
16. **Question:** What is the purpose of the audit?
Answer: The purpose of the audit is to determine whether the group home program has provided, and has documentation to support, the hours and weightings projected on the rate application for the audit period. (MPP Section 11-402.512)
17. **Question:** Are group home program auditors reviewing the same information as Community Care Licensing (CCL) and the county placement agencies?
Answer: No. FC rate auditors are auditing the group home program's rate pursuant to Division 11 of the MPP. CCL monitors compliance with Title 22, California Code of Regulations, for health and safety issues, while county placement agencies audit to their individual contracts with each provider. Each agency 's focus is something different.
18. **Question:** If a program is closed, can it still be audited?
Answer: Yes. In accordance with MPP Section 11-402.52, records must be maintained and made available to auditors for a minimum of five years. The corporation is responsible for maintaining the records. If the corporation dissolves, the Secretary of State's Office will require a contact person and address for further corporate matters.
19. **Question:** If the month of February is audited, is there any consideration given since February is a short month?
Answer: There is no special consideration given for the month of February. Auditors average the number of points per month over the entire audit period. In accordance with MPP Section 11-402.532(b), for provisional rate audits, the audit period consists of two full calendar months or sixty (60) consecutive days, **whichever is longer**.

20. **Question:** Do files need to be kept on site?
Answer: No. However, program records need to be made easily accessible to the auditors. (MPP Section 11-402.52)
21. **Question:** When a provisional audit is conducted, will a financial audit be performed, as well?
Answer: A financial audit is a different type of audit and is not automatically performed at the time of a program or provisional rate audit.
22. **Question:** Are funding sources other than FC audited?
Answer: Auditors are primarily interested in FC funded services. However, auditors will also review records pertaining to Mental Health (MH) Treatment Services funded by Medi-Cal or for services funded by donations for which points are being counted.
23. **Question:** What does “Pay Codes Available” in item number 9 (g) on the Payroll System section of the Entrance Questionnaire (SR 2-WP) mean?
Answer: “Pay codes available” refers to the payroll system and to any identifying numbers, letters, or codes used by the provider to identify positions, facilities, programs, departments, functions, funding, etc. within the group home organization. The auditor would need a key or legend to define what these codes mean relative to the payroll system, so the correct information may be captured to determine paid-awake hours.
24. **Question:** If a provider passes the provisional rate audit, how long does the rate remain provisional?
Answer: Pursuant to MPP Section 11-400p.(10), the rate is established as “provisional” for no longer than 13 months until the Department issues an audit report confirming the RCL.

FINGERPRINT REQUIREMENTS

25. **Question:** Who must be fingerprinted?
Answer: Health & Safety (H&S) Code Sections 1522 (b) and (c) require that any staff person, volunteer, or employee who has contact with clients be fingerprinted.
26. **Question:** Why do volunteers need to be fingerprinted?
Answer: Assembly Bill (AB) 1659 changed H&S Code Section 1522 to require that anyone, including volunteers, who has contact with clients be fingerprinted, unless the volunteer is a relative of the child and is not replacing or supplementing staff in providing care and supervision. However, since volunteer hours do not count for rate-setting purposes, fingerprints for volunteers will not be an audit issue.

27. **Question:** Why do auditors require group home staff to be fingerprinted?
Answer: As discussed above, state statute requires that group home staff be fingerprinted. In addition, MPP Section 11-402.211(a) states, in part, that eligible hours of child care and supervision (CCS) shall be determined by counting paid-awake hours of child care workers. MPP Section 11-400c.(5) defines a child care worker as **an employee performing child care duties and who meets CCL requirements as specified in Title 22, California Code of Regulations, Division 6.** Division 6 contains the same language as H&S Code Section 1522 quoted above. Therefore, in order to qualify to be a child care worker, an employee must meet the fingerprint requirements.
28. **Question:** For FC audit purposes, are you looking for fingerprint **submission** date, or **clearance** date?
Answer: Currently, H&S Code Section 1522(c) requires that the fingerprints be **submitted** and the individual sign a declaration under penalty of perjury (LIC 508) prior to the individual's initial presence in the facility. When the use of "Livescan" technology becomes fully operational statewide, this requirement will change to clearance. Licensees will be given adequate notice prior to the implementation of this requirement. For FC audit purposes, if you have proof that you have submitted fingerprints (or used Livescan) within the appropriate timeframes, you will have met your obligation.
29. **Question:** What date is used for the effective date of fingerprint submission or transfer?
Answer: For initial fingerprints, if fingerprint cards are used, the date received by the Department of Justice (DOJ) is used. "Livescan" submission is immediate. The Livescan operator will issue a receipt that includes the name of the person whose prints were submitted and the date. For transfers of clearances, the date of the request at the top of the "Criminal Background Clearance Transfer Request" form, is used.
30. **Question:** Will auditors retroactively allow hours once a fingerprint clearance has been received?
Answer: No. As described above, fingerprints must be submitted prior to employment. No hours will be allowed prior to the required submission. (H&S Code Section 1522)
31. **Question:** What will happen if I have submitted fingerprints and the employee has started working. Some time later, I am notified that the employee has a conviction.
Answer: As stated above, you are required to submit fingerprints prior to employment. You will not be held responsible for any conviction until you have been notified by CCL. However, once you have been notified, if so ordered, the employee must be removed from the facility immediately.

Any hours worked after such a notification would be disallowed. (H&S Code Section 1522)

- 32. Question:** What is the penalty if I fail to fingerprint an employee?
Answer: From a FC rate audit perspective, all hours will be disallowed because that employee does not meet the legal requirement to be a child care worker. If you have submitted the fingerprints late, all hours between the date the employee started working and the submission will be disallowed. For questions concerning any action that would be taken by CCL, you should contact your Licensing Program Analyst (LPA). (MPP Sections 11-400c.(5) and 11-402.211)
- 33. Question:** If we use Livescan and are having trouble getting an appointment, can the employee start working while waiting for the appointment?
Answer: No, as stated above, either the fingerprints must be submitted to DOJ or the Livescan procedure completed **prior** to employment. (H&S Code Section 1522)
- 34. Question:** What records would be sufficient to prove that I have submitted fingerprints within the required time frames?
Answer: If Livescan is used, the receipt is sufficient proof that you have met the fingerprint submission requirement. If you are still using fingerprint cards, you should retain all possible documentation (e.g., a copy of your check and any correspondence). If you submit a self-addressed and stamped envelope to DOJ with the prints they will give you written verification of receipt of the fingerprints (H&S Code Section 1522(c)). For your own protection, we recommend that you request a copy of your "Facility Roster Screen" from your CCL District Office on a quarterly basis. The facility roster will show all cleared staff associated to your facility. In that way, if the records are in error, you will have time to take care of the situation before it becomes a problem.
- 35. Question:** Is the date on a fingerprint card sufficient proof of submission?
Answer: No. It is proof that the employee was printed, but not that the fingerprints were submitted to DOJ. See the above question for additional information.
- 36. Question:** What can I do if the Licensing Information System (LIS) does not show that fingerprints were submitted?
Answer: The LIS shows that fingerprints have been received by DOJ and whether the applicant has been cleared, or that there is a criminal record. To protect yourself, we recommend that you contact your LPA at least quarterly, as described above, and request a copy of your "Facility Roster Screen" from the LIS system.

37. **Question:** I have an employee who has worked for my agency for 20 years. I submitted his fingerprints at the time he began employment, but just discovered that his clearance is no longer on the system. What can I do about this problem?
Answer: You will need to work directly with your LPA on this situation. If you request quarterly reports as recommended above, this problem will not reoccur.
38. **Question:** Do the FC auditors impose fines for failure to fingerprint staff within the required time frames?
Answer: No. For FC audit purposes, the penalty would be loss of hours which could also result in an overpayment. We do not impose fines.
39. **Question:** When did the fingerprint submission requirement change from four days to prior to employment?
Answer: The Governor signed AB 1659 on October 9, 1999. Language in the bill stated that the "fingerprint requirement prior to employment" be effective sixty days from the date the bill was signed. Therefore the effective date in which you would be held responsible in an audit would be December 9, 1999. (H&S Code Section 1522(c) & (l))
40. **Question:** Do I need to re-fingerprint staff who have worked in other group home programs?
Answer: It depends on certain situations such as:
- If the person is still employed at another group home and has a criminal record clearance, you may submit a request to your local CCL District Office in writing to have the clearance transferred from the current facility to your facility. If the employee has a criminal background exemption rather than a clearance, you should follow the same procedure. Please note that an exemption is granted for an individual program, so the exemption will **not** be transferred automatically. It must be reviewed again and may or may not be granted for your program.
 - If the person is no longer actively employed, but it has been less than two years since he/she was employed at the other group home, the clearance or exemption would still be in the LIS, and you may request a transfer by following the procedure above.
 - If the person is employed in a facility that is not licensed by CCL (e.g., an FFA or family day care facility that is licensed by the county), you must resubmit his/her fingerprints to the DOJ for a new criminal background and a Child Abuse Central Index (CACI) check.
 - If the person has not been employed in a community care facility in the last two years, you must re-submit his/her fingerprints to the DOJ for a new criminal background and a CACI check.

- 41. Question:** How do I have a clearance transferred? Can I call CCL to request a transfer?
Answer: See response to the above question. CCL requires a written request and has developed a form entitled, "Criminal Background Clearance Transfer Request". If you are not familiar with this form, contact your LPA.
- 42. Question:** If I have an employee who worked at a school district, can I request to have that clearance transferred rather than re-fingerprint?
Answer: No. Clearances can only be transferred from one facility licensed by CCL to another. The Penal Code only allows DOJ to reveal criminal record histories to the requesting agency. It is a violation of the law for one agency, such as a school district, to share criminal history information with another agency. In addition, the fingerprints must be submitted through the CCL system in order for the Department to receive reports of subsequent arrests and/or convictions.
- 43. Question:** What if an organization operates several different group home programs, and an employee works in more than one of the programs?
Answer: Employees must be "associated" with each program in which they work. If you have an employee who works in more than one program, you must request in writing that the CCL District Office "associate" the employee with each facility. An individual employee may be associated with more than one facility.
- 44. Question:** Do staff who work in the same program but at different facilities need to be fingerprinted for each facility?
Answer: Separate fingerprints for each facility are not required. See response to the above question. Also, to protect yourself, ask for confirmation and a quarterly copy of your Facility Roster Screen.
- 45. Question:** Is there a difference between CCL and FC in the way they associate programs/facilities?
Answer: Yes. For FC rate and audit purposes, the requirement is that all employees be associated to the group home program. Further CCL questions should be addressed to your LPA.
- 46. Question:** Isn't it better to have staff fingerprinted when hired even if they were already fingerprinted at another group home?
Answer: That is your choice, but there is really no need. As long as the individual is still actively associated to a licensed facility, the Department will receive reports of any arrest or conviction that has occurred after the employee was cleared for the last facility. (H&S Code Section 1522)
- 47. Question:** After I make a request to have a clearance transferred, how do I know it was completed?

Answer: State on your transfer request form that you would like written confirmation, and attach a self-addressed stamped envelope. In order to protect yourself, you should also request a copy of your “Facility Roster Screen” on a quarterly basis, as previously described.

48. **Question:** Do FC auditors also check for Federal Bureau of Investigation and CACI clearances?

Answer: Yes. Those would normally be handled at the same time as the fingerprint submissions. (H&S Code Section 1522)

49. **Question:** Are CACI clearances transferable?

Answer: Yes, after January 1, 2000. Prior to January 1, 2000, the CACI was not transferable.

50. **Question:** There is a fee to use Livescan. Is there a fee for transfers?

Answer: No.

51. **Question:** Can a county agency that licenses it's own group homes get confirmation of fingerprint clearances from CCL?

Answer: No. The LIS only contains information of facilities licensed by the Department.

52. **Question:** Do social worker staff need to be fingerprinted?

Answer: Yes, all employees who have contact with the clients must be fingerprinted. (H&S code Section 1522)

53. **Question:** Are licensed social workers who work on a contract basis required to be fingerprinted?

Answer: If the social worker is **not** an employee of the group home, it is not necessary to fingerprint him/her **provided the following conditions are met:**

- The social worker was fingerprinted as a condition of licensure (the provider should check with the appropriate licensing board and document the conversation);
- the social worker is providing time-limited specialized clinical services; **and**
- the services are within the scope of practice of their license.

54. **Question:** If an employee who has been associated with my program has later received a conviction, will I be notified automatically?

Answer: Yes.

55. **Question:** What if an employee has a criminal record and an exemption to work in one program but then moves to another program? Can the exemption be transferred?

Answer: CCL has an exemption process that must be followed. In accordance with H&S Code Section 1522, exemptions are granted to individual programs/facilities, so you cannot assume that an exemption can automatically be transferred. You may request an exemption transfer in writing from your CCL District Office. Because the exemption is for an individual program/facility, you should not permit the individual to work in your facility until you receive notice from CCL that an exemption has been granted for him/her to work in your facility.

WEIGHTINGS FOR CCS STAFF - EDUCATION

- 56. Question:** Is there a listing of degrees approved for additional weightings?

Answer: No. MPP Section 11-211.221(d) addresses formal education which allows any Bachelor degree to be counted for the .10 weighting, if fully documented.

- 57. Question:** How do I convert quarter units to semester units?

Answer: Quarter units may be converted to semester units by dividing the quarter units by 1.5. For example, 45-quarter units are equivalent to 30 semester units.

- 58. Question:** How do I know if an educational institution is accredited or approved?

Answer: If you don't know, you may contact either your FC Rates Consultant or the FCAB. We have books listing all the accredited and approved schools in the country. It is always best to fax this question so that you will receive a written answer. In cases where the answer is given to you verbally, be sure to fully document the "who, when and what" of the answer given. (MPP Section 11-400f.(9))

- 59. Question:** If the education was completed at the University of California at Los Angeles, will I need proof of accreditation?

Answer: The burden of proof is on the provider. There are numerous public and private universities and colleges nationwide, and auditors will not be familiar with all of them. If the educational institution is found not to be state-approved or accredited, the additional weighting for education will be disallowed. If there is any question concerning the accreditation status, you should check with the your Rates Consultant, as described above. (MPP Section 11-400f.(9))

- 60. Question:** How do I document education?

Answer: Under usual circumstances, you must obtain a copy of the diploma and/or the transcript. If you need to contact an educational institution to verify information, be sure that you fully document all

information given, including the date and the name and position of the person giving the information. (MPP Section 11-402.52(a))

61. **Question:** Can a transcript be used in lieu of a diploma?
Answer: Yes. Auditors will accept transcripts, provided they have the Registrar's stamp and indicate the date the degree was conferred.
62. **Question:** Do I need to have the original transcripts or diplomas?
Answer: Auditors would always prefer to look at original documents because it decreases the chances of forgery. Regulations do not require you to retain originals. However, we strongly recommend that you review the originals in order to protect yourself, and then make copies for your personnel records. At the least, the auditors will look to see that the Registrar's stamp is on a transcript, and that there is a seal on a diploma.
63. **Question:** What is the group home's liability if the auditors determine that a diploma is forged?
Answer: You should always carefully review the documents you are given. You should also be questioning the document. In that case, it would be your responsibility to follow-up by calling the institution and verifying (and then documenting) that the diploma or transcript is real. If the auditors determine that documentation is forged, the weighting will be disallowed.
64. **Question:** If the auditors find a forged diploma or otherwise disallow educational documentation, will the employee's CCS hours be disallowed?
Answer: No. Only the weighting will be disallowed. (MPP Section 11-402.221(d))
65. **Question:** What if an employee says he graduated but cannot provide a diploma?
Answer: It is your responsibility to document any weighting claimed. Often in these situations, you will find that the employee still owes money to the school. Degrees are not granted until all fees are paid, so in this case, there is no degree. However, if you have the transcript, you could claim the .05 weighting for 60 units.
66. **Question:** Can an employee have cumulative course credits, but no degree?
Answer: Yes. Employees can attend more than one college and accumulate credits. However, a degree may not have been awarded for a variety of reasons, such as failure to pay fees, failure to pass tests, etc. If the degree was not actually conferred (a diploma awarded), the employee will only get the .05 weighting for 60 units.

67. **Question:** If an employee says his degree is in the mail, can I allow the weighting pending receipt?
Answer: It would be risky to take the higher weighting until you have proof. We suggest you use the lower weighting (or none) until the appropriate documentation is received, and then, you can adjust your records.
68. **Question:** What if the diploma only says Bachelor degree and does not state the discipline?
Answer: You have the option of taking only the .10 weighting or attempting to obtain additional documentation to verify whether the degree was in a behavioral science. (MPP Sections 11-402.221(d)(2)&(3) and 11-402.52(a))
69. **Question:** Can I use the sample form on page 85 of the “50 Ways to Pass Your Audit” training manual to document education?
Answer: You should still request a degree or transcript. The sample form is for your use in obtaining **additional** information (confirming the validity of a degree or that the school was accredited) or confirming the information you already have.
70. **Question:** Will a college actually give out information on a degree?
Answer: Yes. The date the degree was awarded and the subject are normally public records. Any other information would probably need to be requested by the employee.
71. **Question:** Some colleges won’t release information because a student still owes them money. What can I do?
Answer: The documentation requirements remain the same. If you cannot obtain proof of the level of education, you should not count the weighting. (MPP Sections 11-402.221(d) and 11-402.52)
72. **Question:** What if the behavioral science subject is the minor rather than the major?
Answer: The auditors would not allow a behavioral science weighting of .25, but will allow a .10 weighting because a degree must be awarded in the behavioral science discipline in order to be counted for a behavioral science weighting. (MPP Section 11-402.221(d)(3))
73. **Question:** Can a Licensed Vocational Nurse (LVN) qualify for the .05 weighting for 60 units?
Answer: Staff performing CCS activities may qualify for the 60-unit .05 weighting. Under normal circumstances, a LVN would not be providing CCS. However, in a Certified Treatment Facility (CTF), an LVN could provide child care and supervision. Therefore, an LVN providing CCS activities could receive a 1.05 weighting, if properly documented. (MPP

Section 11-402.224 Emergency Regulations issued under All County Letter No. 99-99, dated November 12, 1999)

- 74. Question:** What is considered a behavioral science?
Answer: Specific degrees that are approved for the additional behavioral science weighting are listed in MPP Section 11-400b.(4) and the Classification of Group Home Programs Under the Standardized Schedule of Rates System, known as the August 30th Report.
- 75. Question:** What if the college considers a degree to be a behavioral science or I think it is a behavioral science, but it is not listed in regulations?
Answer: If a particular degree is not listed in the MPP as a behavioral science, you would need to provide documentation from the college/university indicating that the curriculum in which the degree was conferred is considered to be a behavioral science discipline. Then, you would need to submit it to the FCRB for approval, and, if received, file the written approval in the personnel file. Do not allow the .25 behavioral science weighting for any degree not listed in regulation, unless you have written approval from the FCRB.
- 76. Question:** Does Criminal Justice count as a behavioral science?
Answer: Criminal Justice is not listed in the above regulations as a behavioral science. (MPP Section 11-400b.(4)) See above answers for the procedure for requesting an exception.
- 77. Question:** If an employee has two degrees, can I count two weightings?
Answer: No. If fully documented, you may count the highest weighting. For example, if an employee has both a Bachelor's in Psychology and a Master's in Psychology, you would count .40 for the Master's degree in a behavioral science. However, if the employee has two Bachelor degrees, you would only count .10 or .25 once, depending on the major in which the degree was awarded.
- 78. Question:** Will auditors hold me to the education levels contained in my program plan?
Answer: No. The auditors do not audit to the program statement and will verify the weightings you have reported on your SR 2As. However, if your program statement states that all your CCS staff will have Bachelor degrees in Psychology, and your employees actually have lesser degrees, you will be in jeopardy of failing an audit because your RCL was based on the higher degrees. In that situation, you should work with your Rates Consultant to determine your appropriate RCL.
- 79. Question:** Is a foreign degree equivalent to an American degree?

Answer: Not necessarily. All education must be from an accredited or state-approved institution. It is your responsibility to obtain documentation to prove that any foreign degree is equivalent to an American degree. There are several agencies that, for a fee, can provide you with the appropriate documentation. Those agencies are listed in your training manual on pages 47 and 86, or you may contact your Rates Consultant to obtain the information. (MPP Section 11-400f (9)).

80. Question: Can I use grade reports to verify 60 units or more?

Answer: No. You will need an official transcript from the Registrar.

WEIGHTINGS FOR CCS STAFF – RESIDENTIAL EXPERIENCE

81. Question: What types of experience can be considered residential experience?

Answer: MPP Section 11-400r.(7) and the August 30th Report list the types of experience which may be counted for additional weighting.

82. Question: Can experience as a teacher or working with developmentally disabled or seriously emotionally disturbed children count for an additional weighting?

Answer: In general, MPP Section 11-400r.(7) requires qualifying experience to be from 24-hour out-of-home care for children. Experience as a teacher of specialized education can be counted, but experience as a regular teacher cannot. If you are unsure whether particular experience qualifies, contact your Rates Consultant before allowing yourself the additional weighting.

83. Question: Does all experience working at my group home count? If staff have experience prior to coming to my program, will it continue to accumulate?

Answer: All experience as a child care worker or first-line supervisor at a group home is eligible for the additional experience weighting and would be counted by months. Qualifying experience will continue to accumulate. After 24 full-time equivalent (FTE) months of qualifying experience, an employee would receive the .15 weighting. After forty-eight FTE months of qualifying experience, an employee would qualify for the .25 weighting. Because experience must be counted on a FTE basis, if an employee works 20 hours a week, it would take four years to complete two years of experience. (MPP Sections 11-400r.(7) and 11-402.221(c))

84. Question: If my child care worker works 54 hours each week, can I count more than one month of experience?

Answer: No. 2,080 hours constitute one FTE year of experience. That equates to a 40-hour week. Even though staff may work up to 54 hours in a week, 40 hours is considered full time. (MPP Section 11-400f.(14))

85. **Question:** Can experience at the California Youth Authority count?
Answer: Yes, in accordance with MPP Section 11-400r (6) experience at a juvenile detention facility or youth authority count, providing that the duties and responsibilities were directly related to the care and supervision of the children.
86. **Question:** Can the hours of LVNs providing CCS be counted for experience?
Answer: Yes. Usually, nurses only provide CCS in CTFs. However, experience working as a child care worker is countable if fully documented, regardless of the actual classification. However, you must be able to prove that you are counting only the time spent providing CCS and not any time spent on nursing (or any other) activities.
87. **Question:** If an employee starts in the middle of the month, can I count one month of experience?
Answer: Experience is based on full-time equivalents of 40-hour weeks. If an employee worked two 40-hour weeks, he has ½ month of experience. You must calculate the experience based on the hours worked and be able to support your determination with the appropriate documentation. (MPP Sections 11-400f. (14) and 11-402.221(c))
88. **Question:** How do I verify experience?
Answer: You must have third party confirmation of experience and may obtain the confirmation either by writing or calling prior employers. The employee's statement on his application is not sufficient proof. However you choose to confirm the experience, you must document the name and position of the person verifying the experience, the inclusive dates of the experience, the employee's time base while obtaining the experience, the actual activities being performed, and the pay. The person completing the documentation of experience should also sign and date the form. (MPP Section 11-402.521(a))
89. **Question:** Can payroll stubs be used to document experience?
Answer: Not by themselves. However, they may be used with other documentation as part of the entire picture.
90. **Question:** How can I verify experience at another group home if that group home program is no longer in business?
Answer: Ultimately, it is your responsibility to be able to document any experience claimed. If you cannot provide documentation, you should not claim the weighting. However, we do have a couple of suggestions that

may be helpful. First, you can ask your LPA to provide you with the LIC 500 for the other group home program. Unless the program has been closed for more than two years, CCL should have the records. The LIC 500 contains the names and classifications of all staff for any given period. Another suggestion is to request that the employee submit his tax records. Those records show dates, income, and position. The totality of this evidence may enable you to document some experience, even if it is not as good as documentation directly from the previous employer.

91. **Question:** What can I do if the prior employer is in another state?
Answer: The documentation requirements remain the same. Your local CCL office may be able to help you contact the licensing authority in another state.
92. **Question:** If a group home has gone out of business but the administrator is still available, can the prior administrator verify experience?
Answer: Yes, but you must ensure that the person verifying the experience was in an official capacity and in a position to give correct information. Obtaining the information from a prior co-worker would not be sufficient as that person would not have been in a position to know all the information needed. The documentation requirements would remain the same.
93. **Question:** Can I use a job evaluation for proof of experience?
Answer: Most evaluations do not contain sufficient information to properly document experience. The evaluation would need to contain all the required elements such as dates, job duties, pay, hours worked, time base, and name and position of the person providing the information. (MPP Sections 11-400r.(7) and 11-402.221(c))
94. **Question:** If I can't document experience at the time an employee starts, is it allowable to not claim a weighting at that time and then adjust the weighting retroactively when the documentation is received?
Answer: Yes.

PAID-AWAKE HOURS FOR CCS STAFF

95. **Question:** What do I have to prove in order to claim paid-awake CCS hours?
Answer: You must document that qualified staff were providing appropriate CCS activities and were paid for the time worked. (MPP Sections 11-400p.(1); 11-402.211 and 11-402.521(a))

96. **Question:** What records will auditors require to prove that CCS activities were performed?
Answer: The auditors will need to see time records and payroll records. You may keep time sheets or time cards as long as they contain sufficient information to support the hours claimed.
97. **Question:** Will time records be required for the audit period for staff that have quit?
Answer: Yes. You are required to provide all documentation necessary to support the hours claimed during the audit period.
98. **Question:** Must an employee complete his/her own time record or can I complete the time records for them? Is it necessary for staff and supervisors to sign the time records, and will I lose CCS hours if the supervisors do not sign?
Answer: Each employee should complete and sign his/her own time record. Otherwise, there may be questions that the records are not contemporaneous. Signature of the supervisor is not required by FC regulations. However, if your time records are used as a basis for payment, but are not countersigned by a supervisor, you may receive an internal control finding during the financial audit conducted by your Certified Public Accountant (CPA).
99. **Question:** I heard that Senate Bill 933, (Chapter 311, Statutes of 1988), imposed a requirement that all documents contain two signatures. Is this true?
Answer: That may have been in an early version of the bill, but was not in the final bill that became law.
100. **Question:** Why can't I claim the CCS hours provided by volunteers or interns?
Answer: MPP Section 11-402.211 and the August 30th Report require paid-awake hours. Therefore, unless the hours are compensated in accordance with the Department of Industrial Relations at minimum wage or above, the hours cannot be counted.
101. **Question:** What is the allowable workweek?
Answer: The Department does not specify what workweek you must use. You may use any workweek you choose, but you must use a standardized workweek and may not change workweeks in order to circumvent overtime rules.
102. **Question:** How do I prove staff are awake?
Answer: Staff must keep some type of time records. For daytime hours, if properly documented, there is no additional requirement. If you have overnight staff who are awake during the night, the auditors will use a

variety of means to confirm that they were awake. They will ask to see logs, time sheets/cards, and payroll, and any other documentation you provide to prove that staff are awake. They will also review your program statement to see if it is part of your program plan for staff to be awake at night. Finally, the auditors may also interview staff to make a determination.

103. **Question:** If an employee is on call, can I count the hours for CCS?
Answer: In accordance with MPP Sections 11-402.211(a) and 11-400e.(1), on-call hours may not be counted as eligible CCS hours unless the employee is actually called in and performs paid-awake CCS services.
104. **Question:** If I change an employee's time record, how should I document the change?
Answer: There is no FC regulation concerning changes on time records. However, to avoid an internal control finding by your CPA, you should make it a practice to initial any changes made on an employee's time record and to notify the employee that you made the change. This is true even if the change is only mathematical. If auditors find numerous changes on time records and no indications of the reasons the changes were made, they may consider the changes to be discrepancies.
105. **Question:** What if the same person who signs the time cards also signs the payroll checks?
Answer: This situation, by itself, is not a reason for disallowance of hours during a FC rates program audit. However, you would probably receive an internal control finding by your CPA during a financial audit.
106. **Question:** Must I have a time record for the Executive Director?
Answer: For FC rate audit purposes, auditors only review time records for those staff reporting pointable hours (CCS, social work [SW], or MH). However, CCL may have other requirements. (MPP Sections 11-402.211 and 11-402.52)
107. **Question:** Do I need to keep duty statements for all my staff?
Answer: Yes. As part of your internal management controls, you should have duty statements for each type of position. They should contain specific descriptions of duties performed. The auditors will ask to see these records, especially if you have staff who perform more than one function. (MPP Section 11-402.521(a))
108. **Question:** Can I use a different workweek for my administrative staff than for my CCS staff?
Answer: Yes, however, we do not recommend this procedure. If you have staff who perform multi-function activities (e.g., CCS and

administrative duties), they must have the same work week, and payroll records must match the workweeks.

109. Question: I use a time clock rather than time sheets. There is nothing for staff to sign. What should I do?

Answer: We recommend that you have staff sign some document certifying that they actually worked the hours for which they are being paid.

110. Question: Do I need to keep time records for volunteers?

Answer: For FC rate purposes, volunteer hours do not count for points and therefore, you need not keep time records. However, it is a management tool and a recommended internal control to keep time records of everyone working in your facility.

111. Question: What type of payroll records must I keep?

Answer: You may use a payroll service or manually pay your employees. However, your payroll records should contain sufficient information for auditors to be able to reconcile the payroll with the time records. If you pay different rates for different activities (e.g., night shift, trips away from the facility, etc.), you should have a schedule to explain those rates or the payroll will not make sense to the auditors. (MPP Section 11-402.521(a))

112. Question: How long must I keep payroll records?

Answer: MPP Section 11-402.52 requires that you keep all records supporting your rate for at least five years.

113. Question: What if I have volunteer CCS staff and I pay them only a stipend, or room and board. Can I count their hours?

Answer: In order to be a qualified child care worker, an employee must meet all CCL requirements, including fingerprint submission. In addition, if the volunteer is receiving room and board in lieu of pay or a stipend, auditors will need to see tax records showing that the payments were reported. The auditors would calculate allowable CCS hours based on time records and the equivalent rate of pay.

114. Question: Why do I need time records for salaried staff?

Answer: You are required to keep time records for all staff for whom you are claiming pointable hours. The fact that an employee is paid a salary each month does not alone, prove that he/she was performing allowable activities or the number of hours worked. (MPP Sections 11-402.211 and 11-402.521(a))

115. Question: What is the relation of salaried staff to minimum wage?

Answer: In accordance with MPP Sections 11-400p.(1), 11-402.211, and 11-402.212, all staff for whom you are counting pointable hours must be

paid minimum wage. If the hours reported do not equate to minimum wage, the auditors will adjust the allowable hours to equal minimum wage.

- 116. Question:** How do I know what is an allowable child care activity?
Answer: MPP Section 11-400c.(4) and the August 30th Report contain a listing of allowable CCS activities. In general, these activities are ones a parent would provide for his/her own child.
- 117. Question:** What information should be on my time records?
Answer: Your time records should show in and out times and a description of any activities that are other than regular CCS. For instance, paid sick leave, vacation, holiday, training should all be recorded in the time records.
- 118. Question:** Why does paid leave need to be recorded on the time records? Is there a limit to the number of leave hours that may be counted?
Answer: Paid leave, paid holidays, and paid training should be recorded on the time records for several reasons: 1) if you don't record this time, the time records and payroll won't reconcile, and you may lose the hours; 2) paid leave, paid holidays, and paid training are allowable for CCS hours, if documented; 3) paid leave, paid holidays, and paid training are exceptions to the 54-hour rule, if properly documented; and 4) in order for you to receive the additional weighting for training, the auditors must ensure that you were paid for that training. The easiest way is to compare the time records to the payroll and the training records. There is no limit to the number of leave hours that are allowable, provided that paid leave is part of your policy and is fully documented. (MPP Section 11-402.211)
- 119. Question:** If an employee works on a paid holiday, and I have to pay him double time, can I count the hours twice? If I pay 1 1/2 time for holidays, can I report 1 1/2 hours of CCS?
Answer: No. Count the actual hours the employee worked rather than the compensation rate.
- 120. Question:** If an employee is on state disability and another employee has to work to cover the shift, can both employees' hours be counted.
Answer: You may count the hours of the employee actually providing the CCS services, provided that you have the required documentation. However, since disability is not paid by the group home, those hours could not be counted.
- 121. Question:** Is paid jury duty allowable for CCS?
Answer: If you pay the employee at the regular rate for the time he/she is on jury duty, you may report these hours.

- 122. Question:** You have stated that I can claim paid holidays and vacation as CCS. Is this also true if I cash them out rather than allowing them to take the time off?
Answer: Yes. For example, if you are paying vacation because an employee is leaving, or your group home policy allows vacation or holiday time to be cashed out rather than used, you may claim these hours as CCS at the time they are paid.
- 123. Question:** Do the hours of an administrator supervising the first-line supervisor count as CCS?
Answer: No, in accordance with MPP Section 11-402.211(a), only the hours of the child care workers and first-line supervisors may be counted.
- 124. Question:** Does FC have a requirement for a specific number of CCS hours to be provided at each facility?
Answer: No, but CCL may have such a requirement. You should contact your LPA concerning this question.
- 125. Question:** Do we need to have weekly schedules available for auditors?
Answer: Yes. Schedules are plans, and by themselves, are not proof of hours worked. However, schedules are part of the overall documentation that auditors will look at so that they can understand the whole picture. (MPP Section 11-402.521(a))
- 126. Question:** We don't want our professional level staff to have to keep time records or use a time clock. What can we do?
Answer: If you are counting CCS hours for your staff, they must have time records of some type. Payroll **alone** will not be sufficient to support the specific number of child care hours reported. (MPP Sections 11-402.211(a) and 11-402.521(a))
- 127. Question:** Does the time spent providing training to other staff count as CCS?
Answer: No. Only the time spent by child care workers being trained may be counted. (MPP Sections 11-400c.(4) and 11-402.211(a))
- 128. Question:** Is there a requirement for the number of hours staff must sleep.
Answer: Not for FC rate purposes. However, if the auditors see records indicating that staff are working continuously and not sleeping, they may question the validity of the records.
- 129. Question:** How do I document time for staff who perform more than one type of activity?
Answer: Multi-function staff may record all their hours and activities (e.g., Monday 10-12 Admin; 12-4 CCS). MPP Section 11-402.211(a)(5) also

allows you the option of using an allocation methodology rather than reporting all the individual activities.

- 130. Question:** If I decide to record actual hours for multi-function staff, can I use two separate time sheets rather than have all activities on one sheet?

Answer: Yes, provided all activities are fully documented.

- 131. Question:** What is an allocation methodology, and why is it required?

Answer: An allocation methodology is a documented formula used to allocate hours to various functions. MPP Section 11-402.211(a)(5) and the August 30th Report state that hours shall be allocated among administrative duties, CCS, SW, MH Treatment Services, and other employment. Therefore, if you are using an allocation rather than recording actual activities, you must be able to prove to the auditors that the methodology you use is reasonable and representative. Although regulations do not specifically require one type of methodology over another, we recommend that multi-function staff actually time-study for two or three months at the beginning of each year. Calculate the percentages of time spent on each type of activity and then apply those percentages to all time worked for the remainder of the year. Alternately, you may wish to have such staff time study one-month out of every quarter and allocate the time within the three-month quarter. Whichever methodology you use must be fully documented.

- 132. Question:** Can I use a one-month time study to allocate my time?

Answer: No. An auditor would not consider one month as representative of your time over the entire year.

- 133. Question:** How often do I need to renew my methodology?

Answer: If you were time studying one month from each quarter, your methodology would automatically self-renew. If you time study the first two or three months of each year, it would be reasonable to renew your methodology each year.

- 134. Question:** Do I need approval of my allocation methodology before I begin using it?

Answer: No, but if you have questions whether your methodology is reasonable, contact your Rates Consultant.

- 135. Question:** What will happen if I have administrative staff performing other activities, and they neither keep activity-specific time records or use an allocation methodology?

Answer: You take a chance of having all pointable hours disallowed for that employee. At the least, in accordance with MPP Section 11-402.211 (a)(5)(C), 20 hours a week would be allocated to administration for a six-

bed group home and 100 percent of an administrator's time would be allocated to administration in a group home with more than six beds.

- 136. Question:** If I have an employee who performs both CCS activities and other activities, can his training hours be counted as CCS?
Answer: Yes. If he is listed on the CCS Component Program Worksheet (SR 2A), his on-going training hours may be counted if they are properly documented and meet the criteria in MPP Section 11-400o.(2).
- 137. Question:** Do multi-function staff need to be paid separate rates for different activities?
Answer: That is up to you. If you have a salaried administrator who also provides CCS during some periods, the auditors will need to ensure that the employee is being paid at least minimum wage for the CCS hours worked. (MPP Sections 11-400e.(1); 11-400p.(1); and 11-402.211(a))
- 138. Question:** Please explain the 54-hour rule and the exceptions to it?
Answer: MPP Sections 11-402.211(a)(3)&(4) require that no more than 54 hours per week may be reported unless certain exception criteria are met. All paid leave time, paid holidays, and paid training are exceptions to the 54-hour rule. That means that an employee can work 54 hours in a week and also be paid for a holiday in the same week, so that the total allowable hours for the week could be 62. In addition, there is one other exception to this rule. In order to meet this last exception, you must be able to document that 1) the employee was required to work the additional hours to prevent children from being in an unhealthy or unsafe situation (usually documented through house logs and incident reports); 2) the employee was compensated in accordance with Department of Industrial Relations (paid overtime); and 3) the employee was not required to work in excess of 54 hours on a regular basis. This last requirement is often the cause of audit findings because providers tend to use the same staff repeatedly to fill in for other staff. (MPP Section 11-402.211(a)(4))
- 139. Question:** If I have overnight awake staff and one employee quits suddenly, and the only staff I have to cover is someone who has already worked 54 hours, what can I do?
Answer: See above answer. If you can document that you meet all of the above requirements, the CCS hours will be allowed. However, you must take the possibility of this situation into consideration when you are scheduling staff and hiring. (MPP Section 11-402.211(a)(4))
- 140. Question:** What if an employee leaves and it takes two to three weeks to fill the vacancy? If other staff have to fill in can this be an exception to the 54-hour rule?
Answer: If the situation is foreseeable (you will always have turnover) you will need to find another way to address this situation. You may need

to hire staff just for this type of coverage or have some part time floating staff. Work with other group home programs to find out how they handle these situations.

141. Question: Does the 54-hour rule apply to salaried staff?

Answer: Yes. (MPP Section 11-402.211(a)(3))

142. Question: I have 24-hour live-in staff. Can I report all 24 hours on the time records?

Answer: You may show all time worked and paid on the time records. However, you may only report 54 hours per week on the SR 2A unless you meet the exception criteria described above. (MPP Section 11-402.211(a)(3) &(4))

143. Question: What is the definition of “regular”?

Answer: There is no regulatory definition. However, if the auditors see the same staff working more than 54 hours per week consistently, the hours will probably be disallowed.

144. Question: Can you explain how AB 60 will affect our overtime rules?

Answer: Assembly Bill (Chapter 134, Statutes of 1999) reinstates Wage Order 5-89, rescinds Wage Order 5-98, and creates an Interim Wage order. Essentially, that means that from a FC Rates perspective, your overtime rules will not change until the wage order is made final in July 2000. We plan to issue a FC Audits Letter giving you more details at that time. You should be aware that Federal law requires you to pay overtime after 40 hours in a week. However, FC auditors audit only to the state standards which are currently 54 hours per week for the Housekeeping Industry.

145. Question: What if an employee is moonlighting at another group home and has already worked 54 hours in a week. Do I apply the 54-hour rule?

Answer: Yes. If you are aware of the other hours worked, you must apply the 54-hour rule. (MPP Section 11-402.211(a)(4) & (5))

146. Question: Is it true that I don't have to pay overtime until after 54 hours?

Answer: Please see the discussion above concerning AB 60.

147. Question: I am an administrator who works 60 hours per week, with about half as CCS. In relation to the 54-hour rule, how do I report and document these hours?

Answer: The 54-hour rule applies to all your hours. Since 54 hours are the maximum allowed, if you spend 50 percent of your time on CCS (and can document that as discussed above), $\frac{1}{2}$ of 54 would be 27. Therefore, you cannot report more than 27 hours per week to CCS. (MPP Section 11-402.211(a)(5)(A))

- 148. Question:** Is the 54-hour rule changing?
Answer: Possibly. See the discussion above concerning AB 60.
- 149. Question:** Is it allowable to occasionally use short-term staff from child care registries? If a group home uses a child care registry agency, and doesn't pay the workers directly, can the CCS staff hours be counted?
Answer: Pursuant to MPP Section 11-400c.(5), a child care worker is defined as a "group home employee engaged in providing child care duties and who meets CCL licensing requirements." A temporary worker may be considered an employee of the group home if the provider has control of scheduling, activities and wages. The employee must also adhere to the fingerprint requirements in order for the hours to be counted as CCS. It is important to note that the provider still has full responsibility for maintaining all required documentation. Auditors will not go to the temporary agency to review records.

TRAINING WEIGHTING FOR CCS STAFF

- 150. Question:** Is a group home program required to claim the additional .10 weighting for on-going training?
Answer: No. Claiming the additional weighting is optional for the program. If the provider is claiming the additional .10 weighting on the SR 2A, the auditor will verify compliance with MPP Sections 11-400o.(2), 11-400t.(1), and 11-402.221(e) to determine if the additional .10 weighting was correctly claimed.
- 151. Question:** Where do you enter the .10 training weighting on the Group Home Program Classification Report (SR 2)?
Answer: It is not entered on the SR 2. It is entered on the SR 2A, which is completed prior to the SR 2.
- 152. Question:** If the group home program does not meet the number of training hours required to claim the .10 weighting, are all of the hours lost?
Answer: No. Only the additional .10 weighting for all of the CCS hours for all of the CCS staff in the audit period would be disallowed.
- 153. Question:** Can a provider qualify for a lower weighting than .10 if the program has fallen short of the required training hours?
Answer: No. In accordance with the MPP Section 11-402.221(e), there is only one weighting for training. The weighting of .10 for on-going training is an "all or nothing" weighting; the program is either in compliance, or not, and the weighting is either allowed or disallowed for all CCS staff on the SR 2A.

- 154. Question:** Will auditors audit to the training plan that is submitted to the FCRB with the rate application each year?
Answer: No. The training plan is not audited. The plan is a projection of the training that is planned for the up-coming fiscal year. Auditor's audit to the actual training hours provided during the audit period.
- 155. Question:** Is there a difference in the auditing process for the training weighting for provisional rate audits?
Answer: Yes. For provisional rate audits **only**, MPP Section 11-402.221(e)(8) allows the training weighting, **if claimed**, to be automatically added to the hours of all child care workers employed during the audit period.
- 156. Question:** Would a child care worker who is working more than 40 hours a week need additional training hours to meet the training formula?
Answer: For rate setting purposes, training hours are not calculated by individual employees. In accordance with MPP Section 11-402.221(e)(2)(A) and (B), training hours are calculated by determining the number of FTEs in the CCS component, then multiplying the number of FTE's by 40. Therefore, all hours are accounted for in the formula.
- 157. Question:** If training is presented during a staff meeting, can those hours be counted as "on-going training"?
Answer: MPP Section 11-400t.(2) specifies that staff meetings that do not meet the definition of on-going training in Section 11-400o.(2) shall not be considered training. The staff meeting hours should be excluded, but the actual training hours may be counted if all other requirements are met and documented.
- 158. Question:** Can a program count training hours if another source is funding the training? For example, can I count training hours for a child care worker that is also employed by another group home who receives training at that other program?
Answer: MPP Section 11-400o.(2) states that to qualify as on-going training, any cost of training must be paid by the group home provider. This includes tuition, conference fees, and the employee's cost of attendance, including wages and salary. The training hours paid for by another program would probably be claimed by that program.
- 159. Question:** What if a trainer will provide training to us at no cost?
Answer: If there is no cost incurred by the provider for the training, the training session meets the definition of "on-going training" as defined in MPP Section 11-400o.(2), and it is documented in accordance with MPP Section 11-400t. (1), auditors would allow the hours.

- 160. Question:** If CCS staff themselves pay for outside training and attend on their own time, can the group home program count the hours?
Answer: No. Since, the provider must pay for any cost associated with the training and for the employee's time, a program could not claim this training for rate setting purposes.
- 161. Question:** Does travel time count as training hours for CCS?
Answer: No. There is no provision for travel time in the definition of on-going training. (MPP Section 11-400o.(2))
- 162. Question:** Can hours for social workers who are attending the training be counted toward eligible training hours?
Answer: No. Only those CCS staff listed on the SR 2A are eligible to receive the additional weighting for training. While others in the group home program can attend the training sessions, their hours are not counted in determining training weightings.
- 163. Question:** Should training hours be indicated on the time sheets?
Answer: Yes. The auditors will reconcile the hours claimed on the training log to the payroll to verify that hours claimed were paid.
- 164. Question:** Are the CCL required training hours counted toward eligible training hours for rate setting purposes? Are "job shadowing" hours counted as eligible training hours for FC audit purposes?
Answer: All CCL required training for child care workers qualifies as on-going training, if properly documented. Job shadowing is allowed but not **required** by CCL and does not meet the definition of on-going training for rate setting purposes. (MPP Section 11-402.221(e)(3)(A))
- 165. Question:** New CCL regulations require 8 hours of initial training prior to counting the CCS worker into the staff ratio. If we are claiming the .10 training weighting, would the CCS hours qualify as training for rate setting purposes? If we aren't claiming the .10 weighting, do the 8 hours count as CCS hours?
Answer: As stated above, with the exception of the hours spent "job shadowing", the CCL required hours could be counted as on-going training hours for rate purposes provided fingerprints have been submitted, the CCS worker was paid and the training meets the definition of on-going training indicated above. Regardless of whether the training weighting is claimed, if fingerprints are submitted and hours are paid and documented, the CCL required 8 hours of initial training may be counted on the SR 2A as paid-awake hours. (MPP Section 11-402.221(e)(3)(A))
- 166. Question:** Does "new staff orientation" count toward training hours?

Answer: Yes. Staff orientation is directly related to the program and would count, providing that the fingerprints have been submitted, the staff are paid, and the training is properly documented.

167. Question: Would “treatment planning” count as on-going training?

Answer: No. On-going training for CCS workers is structured, pre-announced training directly related to the program’s population. Treatment planning is usually a staffing activity of SW and/or MH professionals regarding individual children in placement, and would not meet the definition of on-going training.

168. Question: If we video tape our training session and send the tapes home with those that have missed the session to view, can we count those hours as training?

Answer: No. MPP Section 11-402.221(e)(5) states that audio or video training shall not qualify when the provider supplies the training package and sends it home with the individual employees to view on their own time. Audio or video training is only allowable when it is used within the structure of a group home training setting, a qualified individual introduces the subject in person, and audience interaction with the qualified individual is available.

169. Question: What determines a “qualified trainer” and how do we document that?

Answer: The regulations require that on-going training be “presented by a trainer qualified to train in the specific subject matter”. That would be someone who is considered an expert in the field, and/or has the appropriate licenses, degrees, or experience to present information that is relevant to the program and the population being served. Many providers use their social workers as trainers. Qualifications can be documented by copying the degree, license, resumes, business cards, etc for the training log. Flyers and announcements for training sessions off-site usually include information regarding the trainer’s background and qualifications. You should include that information in the training log.

170. Question: What if the training log was accidentally thrown away?

Answer: It may be difficult to qualify for the additional .10 training weighting. It may be possible to reconstruct the log from time sheets, payroll, and certificates of attendees, handouts distributed, and third party corroboration with the trainer, etc.

171. Question: What is the most common reason for auditors to disallow the .10 weighting for training?

Answer: The most common reasons for disallowance are insufficient hours to qualify and lack of documentation. (MPP Section 11-402.221(e)(2))

- 172. Question:** Sometimes we go off-site for training, and the trainer keeps the sign-in sheet. How can we document those training hours?
Answer: Attempt to gather as much supporting evidence as possible. Obtain a copy of the training flyer and the certificate received for attending. That documentation, reconciled with verification of paid hours (payroll) would suffice. In those instances, you can also supply your own training sign-in sheet and ask the trainer to sign it for inclusion in the group home training log.
- 173. Question:** Is training an exception to the 54-hour rule?
Answer: Yes. Pursuant to MPP Section 11-402.211(a)(2), training is an exception to the 54-hour rule.
- 174. Question:** Is it true that 25% of the trainers are required to be from an outside agency?
Answer: This is not a rate setting requirement. However, CCL has separate requirements pursuant to Title 22 concerning training. If you have questions about the Title 22 requirements, please contact your LPA.
- 175. Question:** Can group homes train each other?
Answer: Yes. Provided that the training meets the definition in MPP Section 11-400o.(2) of on-going training, and is documented appropriately.
- 176. Question:** Would foster parent training provided by a county qualify as eligible training for rate setting purposes?
Answer: It depends. It could if the training met the definition of on-going training in MPP Section 11-400o.(2), was directly related to the child care duties, the group home program, or the needs of the children in placement, and was properly documented.
- 177. Question:** Are training hours included in the raw, unweighted child care hours for the calculation of the number of FTEs and training hours for the year?
Answer: Yes. Training hours are part of the paid-awake hours calculation allowed by MPP Section 11-402.211(a)(2).
- 178. Question:** How can we ensure that we obtain the appropriate amount of training hours to claim the additional .10 weighting?
Answer: Do the math. Look at the number of unweighted hours in the CCS component on your most recent SR 2 (line 13, column 2) for the past calendar year. Divide that number by 2,080 (annualized FTE based on a 40-hour workweek). Multiply that number by 40 to find the number of hours of training that must be provided and documented to be eligible for the weighting. For planning purposes, divide that number by 12 months to establish a minimum base-line number of training hours to be provided every month. Review the records monthly and plan training accordingly.

- 179. Question:** FTEs will differ for FY vs calendar year. Providers calculate the requirement based on the calendar year SR 2, and auditors audit to a FY. What if our calculation comes up short based on the calendar year?
Answer: When auditing training records, auditors will review parts of both calendar years' data to determine if the fiscal year requirement has been met. When you submit your annual rate application to the FCRB each May 1, you are submitting a training plan for the upcoming FY. Although the plan is not audited, it's purpose is to assist the provider in planning to staying on track with the required hours for the upcoming FY. (MPP Section 11-400t.(2))
- 180. Question:** Can we count hours spent in the training entitled "*50 Ways to Pass Your Audit*" as eligible training hours for the .10 additional weighting?
Answer: No. "*50 Ways To Pass Your Audit*" was not CCS training and was specifically targeted for program administrators and those with the responsibility of calculating points for rate setting purposes. It was not directly related to an individual child care worker's duties, the specific group home program, or the needs of the children in placement in the program.

SOCIAL WORK ACTIVITIES

- 181. Question:** Can services that are provided for free count as eligible SW hours?
Answer: No. Pursuant to the MPP Section 11-402.212(a), eligible hours of SW activities must be compensated in accordance with the Department of Industrial Relations (paid-awake).
- 182. Question:** If a Social Worker is performing CCS duties, how do we count those hours?
Answer: If the Social Worker is performing CCS duties, those hours cannot be included in the SW component, but should be captured in the CCS component if eligible to perform CCS. If an employee is performing multiple functions e.g., SW and CCS, the hours must either be reported separately or be allocated among the functions using a documented methodology.
- 183. Question:** Where are "intake" hours normally claimed?
Answer: Intake hours are usually a SW activity in accordance with MPP Section 11-400s.(4) and those hours should be captured on the SW Component Program Worksheet (SR 2B).
- 184. Question:** What can we do if the county Social Worker does not do his/her job appropriately?

Answer: Performance of county staff is not an audit issue. You would need to contact the appropriate county placement agency to resolve the issue.

185. Question: Our program is contracting with county MH for provision of SW services. The county bills Medi-Cal. How do we claim those hours?

Answer: Those hours would be claimed in the MH component, rather than the SW component, as the hours are paid for by Medi-Cal funds, not FC funds.

186. Question: Can we count hours that a Social Worker is providing for free to the program? If not, can they donate their pay back to the program?

Answer: No. SW hours must be paid-awake in accordance with Department of Industrial Relations in order to be eligible. (MPP Sections 11-400p.(1) and 11-402.212(a))

187. Question: Can the hours a social worker spends providing on-going training to CCS staff count as eligible hours for rate setting purposes? If so, how do I count hours for a social worker supervisor?

Answer: In accordance with MPP Section 11-400s.(4) provision of training, supervision of other staff, and administrative activities are **not** considered to be eligible SW activities.

188. Question: Do social workers need to indicate in/out time on time sheets?

Answer: No, it is recommended but not required. They need to show hours that are "pointable" vs. those that are not for SW activities.

189. Question: Is there a cap on social worker salaries?

Answer: No. Regulations require that social workers be paid minimum wage. Excessive salary would not be an audit exception, but may be an audit finding noted in the Final Audit Report and/or a financial record audit by a CPA.

190. Question: Does the 54-hour rule apply to social workers also?

Answer: Yes. Pursuant to MPP Section 11-402.212(a)(2), no more than 54 hours per week may be projected on the SR 2 for any social worker.

191. Question: When the current RCL system was implemented, some social workers were "grandfathered" into the current system from the old, cost-based system. Does this still hold true?

Answer: Yes. Pursuant to MPP Section 11-402.212(a)(5)(A) and 11-402.222(b), an existing social worker who was identified and claimed as a social worker in the **same** program under the cost-based rate setting system prior to July 1, 1990 and does not meet the degrees and equivalents as defined in MPP Section 11-400s.(5) is eligible for the weighting of 1.5.

- 192. Question:** Are social worker interns eligible for a 2.0 weighting?
Answer: Not unless the intern possesses either a 60-unit Master's of Social Work (MSW) degree and/or a 60-unit Master's of Science in Counseling (MSC) from an accredited or state approved college or university.
- 193. Question:** What weighting do I give my social worker who has a 30 unit Master's degree in Psychology? Does a Bachelor's degree in Psychology qualify for a weighting?
Answer: In accordance with MPP Section 11-402.222(a), if the social worker is not licensed, does not have a MSW or MSC, but has a 30-unit Master's degree in a discipline which would enable him to sit for the Marriage and Family Therapist (MFT) or Licensed Clinical Social Worker (LCSW) exam, he/she **may** be eligible for a weighting of 1.75. The Department of Consumer Affairs, Board of Behavioral Science Examiners (BBSE) is the authority for making this determination. To verify the 1.75 weighting, an auditor would look for confirmation in writing from the BBSE that the individual's Master's degree is in a discipline that would enable the employee to sit for the licensure exam. It is our understanding that currently, the BBSE requires application for the exam in order to make a determination. Only a Bachelor's in Social Work with two years of full-time experience would qualify for the 1.5 weighting.
- 194. Question:** Would a Master of Arts in Counseling qualify for a 2.0 weighting?
Answer: The regulations do not specifically address a Master of Arts in Counseling, but a **60 unit** Master's of Science in Counseling for a 2.0 weighting. If an MSC (or MSW) could not be verified, an auditor would look for verification from the BBSE that the Master's degree would enable the individual to sit for the MFT or LCSW exam for a 1.75 weighting.
- 195. Question:** If a Master's degree was issued 30 years ago, would the social worker qualify to "sit for the licensure exam"?
Answer: That determination must be made by the BBSE based on a variety of factors, including the discipline of the Master's degree, transcripts, qualifications, etc.
- 196. Question:** What weighting does a registered intern qualify for? If determined "eligible to sit for the exam", does that mean that the individual is committed to take the exam?
Answer: As discussed above, if verification from the BBSE is provided, the correct weighting would be 1.75. Being determined as eligible to sit for the exam only means that the individual's Master's degree has been deemed appropriate for entry into the exam, not that he/she must participate.

- 197. Question:** Why is the weighting less for social workers with more experience than an LCSW with less experience?
Answer: Weightings for social workers are assigned according to the professional level, rather than experience. (MPP Section 11-402.222(a))
- 198. Question:** Our program contracts with a Ph.D. for SW services. What is the correct weighting, since a Ph.D. is a higher level than a Master's degree?
Answer: There is no provision in regulations for weighting an individual with a Ph.D. who is performing SW activities. Although we recognize that a Ph.D. is a higher level than a Master's degree, it may not qualify the individual for a SW weighting for rate setting purposes. Since there is no SW weighting associated with a Ph.D., the individual's Masters level degree would need to be evaluated in accordance with MPP Section 11-402.222(a).
- 199. Question:** Can CCL grant an exception for social worker qualifications?
Answer: No. CCL does not grant exceptions for group home rate setting regulations.
- 200. Question:** How does an audit exception in the SW component affect the rate?
Answer: An audit exception in the SW component may result in a disallowance of hours or weightings and may have an adverse effect on the RCL. This may result in an overpayment for a program audit.
- 201. Question:** Our social worker has a Master's degree from an out-of-state university that the BBSE does not recognize as accredited for acceptance to the licensure exam. Is this social worker eligible for a 1.75 weighting?
Answer: The BBSE is the ultimate authority for this determination. If they do not accept education from the university, the 1.75 weighting would be disallowed, pursuant to MPP Section 11-402.222(a)(5).
- 202. Question:** Must double-weighted social workers be self-employed?
Answer: Yes. To be eligible for double weighting, a social worker must be an independent contractor, as provided by state and federal laws, including Section 3353 of the California Labor Code.
- 203. Question:** If my staff Social Worker is working 20 hours a week, can I double weight those hours?
Answer: No. A **staff** social worker does not meet the definition of a Direct Contact Contractor, pursuant to MPP 11-400d.6) and the hours should **not** be double-weighted.
- 204. Question:** Must double-weighted social workers be fingerprinted by the group home?

Answer: No. By definition in MPP Section 11-400d.(6) for direct contact contracts, these types of social workers are licensed independent contractors, as provided by state and federal laws, and have already been fingerprinted by the state as a condition of licensure.

- 205. Question:** Is a direct contact contract social worker limited to providing a maximum of 6 hours of service per child, per month?

Answer: No. MPP Section 11-402.222(d)(2) states that 20 hours per week is the maximum allowed for an individual social worker, regardless of the number of children involved.

- 206. Question:** Can a provider use a regular weighting (not doubled) for any hours exceeding 20 per week, per social worker, that are provided by a direct contract contractor? What if a child needs more services?

Answer: MPP Section 11-402.222(d)(2) specifies that a maximum of 20 hours per week per social worker, shall be multiplied by 2.0. If the licensed independent contractor is providing hours of direct contact SW activities (**only**) in excess of 20 per week, those hours may be allowable at the regular weighting if appropriately documented. Keep in mind that MPP Section 11-402.222(d)(1) prohibits the direct-contact-contractor from reimbursement for ancillary social work activities such as the development of needs and services plans, discharge plans, etc.

- 207. Question:** Each time a licensed independent contractor performs counseling or therapy for a child, do we need to have the contractor complete a Verification of MH Treatment Services form?

Answer: No. The Verification of MH Treatment Services form is completed only for verification of paid-awake hours in the MH component. If your licensed independent contractor is performing SW activities paid by FC funds, you must be able to provide proof of services rendered and paid, usually through billings and accounts payable records. If the MFT or LCSW providing services is billing Medi-Cal, the hours would then be included in the MH component, and the Verification of MH Treatment Services form could be completed, if necessary.

- 208. Question:** Can we double weight a direct contact contract social worker's hours for time spent writing up assessments? What about providing family therapy without the child present?

Answer: No. MPP Section 11-402.222(d) specifies that to qualify for a double weighting, a licensed independent contractor who provides SW services must be reimbursed only for those hours spent in direct contact with the child (the child **must** be present) and is not reimbursed for any ancillary social work activities, such as the development of needs and services plans, or discharge plans.

- 209. Question:** Can an LCSW who works for our FFA also serve as our double-weighted social worker?
Answer: No. To qualify for the double weighting, the social worker may not be an employee of the provider and must be an independent contractor. If the social worker is also working for the FFA within the corporation, there would appear to be an employer-employee relationship. (MPP Section 11-402.222(d))
- 210. Question:** We have two contracts with our licensed independent contractor, whom we double-weight. One is a direct contact contract for services to the children, and the other is a contract to provide on-going training to our CCS staff. Since training is not social work, it should not have any effect on the double weighting. Correct?
Answer: Your second contract to provide training to your CCS staff may negate the concept of a direct contact contractor for the first contract. An employee-employer relationship may exist. The auditor would look at the specifics of the contracts and the relationship between the group home provider and the contractor. (MPP Section 11-402.222(d)(3)(A)).
- 211. Question:** Placement agencies now require the social worker to sign treatment plans. Does this interfere with requirements for double-weighting hours?
Answer: Treatment planning is not direct contact with the child and is therefore, not an eligible social work activity for double weighting. (MPP Section 11-402.222(d)(1))
- 212. Question:** The law requires that a social worker file a report of their services. Would the double weighting be allowed for a social worker who files a report?
Answer: It depends on the report. A licensed independent contractor providing SW services under a direct contact contract as defined in MPP Section 11-400d.(6) usually has sufficient time within a "clinical hour" to complete documentation of the **direct** services provided. That reporting is included in the SW clinical hour. However, the development of needs and service plans or discharge plans are not allowable for the double weighting.

MENTAL HEALTH TREATMENT SERVICES

- 213. Question:** Can I pay for MH Treatment Services with FC funds? Do services need to be contracted out?
Answer: No. MPP Section 11-402.826 lists areas of costs that are NOT allowable for reimbursement with FC funds. If FC funds are expended on an unallowable cost, that amount would be disallowed during a fiscal audit. The costs of MH Treatment Services are not allowable for FC

funding, nor are any costs that exceed those covered by Medi-Cal or are incurred because of ineligibility. MH Treatment Services do not need to be contracted out. If a program chooses to contract for outside services, you should obtain a copy of the MH professional's license for audit purposes, as well as verification of services rendered and paid.

- 214. Question:** Group homes are not receiving billings for MH services any longer. This is disastrous for obtaining the necessary proof of paid-awake hours for audit purposes. Is there an alternative for providing verification to auditors that services were provided and paid?

Answer: Providers should continue to try to get copies of MH billings if possible. We have learned throughout the various training sessions that some group homes are not having any trouble obtaining verification of MH Treatment Services. However, we understand that with the advent of managed care, in some counties it has become increasingly difficult. We have developed a form in conjunction with the group home provider associations that may help. The FCAB released the form entitled "MH Treatment Services Verification", along with instructions for use in Foster Care Audits Letter (FCAL) No. 2000-03, dated March 24, 2000. **This form is optional.** Providers electing to use the form should complete as much of the information on the form as possible. Ask the MH professional to provide the necessary information and sign the form. Auditors will accept the completed, signed form as proof of paid-awake MH Treatment Services.

- 215. Question:** Could the "Verification of MH Treatment Services" form be used to document hours spent in the hospital?

Answer: Only eligible hours for MH Treatment Services pursuant to MPP Section 11-400m.(3) are allowed for FC rate purposes. Treatment hours for a child receiving in-patient hospital services would be subject to the same verification requirements as any out-patient MH treatment services. (MPP Section 11-402.223)

- 216. Question:** Can the Verification of MH Treatment Services form be used on a monthly basis?

Answer: Yes, but you must capture all necessary information including treatment hours, dates of service, and types of treatment.

- 217. Question:** Where should the Verification of MH Treatment Services form be filed?

Answer: Provided the form is available to auditors, you may determine where to keep the records. You may wish to file the forms with the MH Component Program Worksheet (SR 2C) for the appropriate months and place a copy in the child's file.

- 218. Question:** Our program has not been successful in obtaining the licenses for our MH professionals. What can we do?
Answer: You may use the Verification of MH Treatment Services form. There are lines for the input of the service provider's license number and expiration date. If the information is obtained, the auditor can verify the MH provider's qualifications through the license number.
- 219. Question:** If we use our own non-FC funds to pay for MH Treatment Services, how do we document payment?
Answer: Retain the billings and checks as proof of payment. Be prepared to show auditors proof of income from sources other than FC funds.
- 220. Question:** We have a contract for the provision of MH Treatment Services. Would this provide enough documentation/proof of payment?
Answer: The contract should address documentation requirements. You are still responsible for proof of paid-awake hours.
- 221. Question:** Are medication management activities allowable for rate setting purposes? Can we count the hours when the children go to a private doctor for medication?
Answer: Medication management by itself is not an eligible MH Treatment Service. MPP Section 11-400m.(3) states that allowable services include.... "evaluation, treatment, and psychometric testing performed by a licensed MH professional while the licensed MH professional and the child are together." Medication management is not identified as an eligible MH Treatment Service. However, if the medication management is performed while the licensed MH professional is treating the child face to face (i.e., not over the phone), the hours could be allowable. The hours of a medical doctor providing medication are not allowable.
- 222. Question:** If a MH professional meets social worker requirements, can we claim the MH professional's hours in the social work component?
Answer: This is a funding issue. If the program is paying for an LCSW and/or MFT's services with FC funds, the hours should be counted in the SW component. If the LCSW/MFT is billing Medi-Cal for allowable MH Treatment Services, the hours should be captured in the MH component.
- 223. Question:** We have a social worker with a Ph.D. performing dual function SW and MH services. How would we claim the hours?
Answer: The worker could keep a time record for each function, or hours could be allocated to each function based on the percentage of time spent performing the dual activities. (MPP Sections 11-402.211(a)(5) and 11-402.212(a)(4)) Please also refer to question #199 concerning a Ph.D. performing SW activities.

- 224. Question:** Sometimes a child may not have a social security number. What other number would be sufficient identification?
Answer: You may use whichever number the county uses, or the temporary number on the Medi-Cal card. However, not all children have Medi-Cal cards. It is your responsibility to provide sufficient identifying documentation to auditors.
- 225. Question:** Our program uses another Psychologist in addition to our own staff psychologist to perform MH Treatment Services. Can we count the hours of the outside Psychologist?
Answer: Yes. But you must be able to document paid-awake hours of allowable activities. (MPP Sections 11-402.213; 11-402.223; 11-400n.(3) and 11-400m.(2))
- 226. Question:** The Psychologist we use for MH Treatment Services provides a treatment list for us each month, and we contract with Medi-Cal for payment. Is that sufficient?
Answer: Auditors will accept this information providing the list identifies each child's name, the number of service hours per child, and the types of services provided to each child. The MH professional may wish to include a statement such as "Medi-Cal Billed" on the treatment list that they provide monthly to you.
- 227. Question:** If a client is seen at the county MH clinic, the county bills Medi-Cal for the services of a licensed professional even if the clinician is an intern. If the State Department of MH accepts this, will the FC auditors? How can we tell the county they cannot use interns to provide services?
Answer: Currently, MPP Section 11-402.223 only allows licensed psychiatrists, psychologists, LCSWs, MFTs to provide MH Treatment Services. We are working with the group home provider associations and hope to change these regulations very soon. In the meantime, only those hours of MH Treatment Services performed by the classifications identified in the current regulations are allowable for FC Rates purposes.

POST-AUDIT QUESTIONS

- 228. Question:** After a provider receives the Final Audit Report (FAR) and disagrees with any of the findings, is there an appeal process?
Answer: Yes. For non-provisional rate audits, providers may appeal at both the informal and formal levels. The provider has 60 days from the date the FAR is received to file a written request for the informal appeal. (MPP Section 11-430-121) For provisional rate audits, a provider may only appeal to the formal level. The written appeal must be filed within 30 days of the date the FAR was mailed by the FCAB. (MPP Section 11-

430.193) The request for hearing is called a Statement of Disputed Audit Findings (SDAF) and must be mailed to:

Robert O'Neill, Chief
Office of Administrative Hearings and Appeals
California Department of Health Services
1029 J Street, Suite 200
Sacramento, California 95814

A copy must also be mailed to:

Judy Queirolo, Manager
Audits Policy and Support Unit
Foster Care Audits Branch
744 P Street, M.S. 19-24
Sacramento, California 95814

The SDAF should only address the findings being appealed. Identify each finding, state what occurred, why you disagree with the finding, and attach backup documentation to support your appeal. You will receive a letter from the Office of Administrative Hearings and Appeals informing you if your appeal has been accepted and the date of your hearing. (MPP Sections 11-430.12,14,15, and 19)

229. Question: What is the pass/fail ratio for audits?

Answer: For a variety of reasons, there are many more programs passing audits now than in the past. More audits are scheduled by random selection rather than by referral only. The provider community is becoming more comfortable and knowledgeable with record keeping and documentation requirements. Finally, the Department is providing more technical assistance and audit training than in the past. As a result, approximately 60% of ongoing providers pass program audits, while 80% of the providers pass provisional rate audits.

230. Question: What is the average overpayment amount?

Answer: Assessed overpayments resulting from audits over the last five years range between \$32,000 to \$2,000,000. The average amount over the period of January 1999 through April 2000 is \$151,000.

231. Question: Are appeals a matter of public record?

Answer: Appeal decisions rendered by the Office of Administrative Hearings and Appeals are public records. Providers may write to the CDSS, Office of Public Inquiry and Response, 744 P Street, M.S. 16-23, Sacramento, CA, 95814, or call (916) 657-3667, to ask for a copy of a decision. There may be a charge to the requesting party for photocopying.

- 232. Question:** For programs that have been assessed an overpayment is there a payment plan? What about interest?
Answer: There are two ways to repay an overpayment. Providers may either pay in a lump sum or execute a repayment agreement. With a repayment agreement, overpayments may be repaid over a period of nine years. A repayment agreement is signed by all parties and includes payment coupons for use by the provider. Interest will be included in the repayment amount. (MPP Section 11-402.663)
- 233. Question:** If a program's RCL is reduced after audit, but the provider appeals and subsequently wins the appeal, will interest on the RCL reduction be repaid?
Answer: Yes. The Department will reimburse the difference between the rate for the program's original RCL and the reduced RCL for the period of time that the RCL was reduced, including interest.

MISCELLANEOUS

- 234. Question:** Have the procedures for calculating points changed?
Answer: No, procedures for point calculations are still the same. (MPP Section 11-402.23) **Group homes are encouraged to calculate points on a monthly basis.** If points are low one month, then the group home will know to increase services the next month to "make up" for the low month. This ensures maintenance of the paid RCL.
- 235. Question:** What is the RCL scale? Are you auditing for averages?
Answer: There are 14 RCLs established by statute. (MPP Section 11-402.151) For audit purposes, points are averaged. (MPP Section 11-402.237)
- 236. Question:** If a program is operating at an RCL 9.5 or 9.7, is the program considered to be an RCL 10?
Answer: No. As stated above, RCLs are established at levels 1 through 14, with a 30-point range separating each RCL. A program would be audited at the RCL within which his audited points fell. For example a provider whose audited points totaled 119.5, would be the top range for RCL 3, but would not be considered an RCL 4, which starts at 120 points. (MPP Section 11-402.151)
- 237. Question:** If a program is found to be performing at a higher RCL during audit than the paid RCL, will the group home receive the additional funds for the higher RCL?
Answer: No, providers are paid at an RCL based on the points projected on the application. The provider could apply for an RCL increase. However, an RCL increase would create a provisional rate and would

result in a provisional rate audit of the higher rate. (MPP Section 11-402.541(c)(1)(c))

- 238. Question:** What if the program is put on hold for the placement of children because of an investigation or allegation against the home? This causes a hardship for the home. Will this be taken into consideration during an audit?
Answer: Auditors will perform the audit calculations based on the programs's licensed capacity for the audit period. If the program is on hold for placements, the FCAB advises that providers inform their LPA and FC Rates Consultant of the situation. CCL may then be able to reduce the licensed capacity to the actual occupancy until the matter is cleared up. If that were the case, then auditors would use the new reduced licensed capacity in effect during the audit period. Please contact your LPA for further information regarding increase/decrease of license capacity. Also, remember that you must submit a program change application to the FCRB any time you make a change to your program. (MPP Section 11-402.233)
- 239. Question:** We need much more technical assistance. Where was the technical assistance, such as the "50 Ways to Pass Your Audit " two years ago? Why isn't this information presented earlier in the rate setting process? Is there a list of classes like this available for GH providers?
Answer: The FCRB consultants are always your initial contact for technical assistance. In addition, audit staff also provide technical assistance during group home quarterly and annual meetings. There is no list of training available to group home providers. However, if you need technical assistance, contact your Rates Consultant at (916) 323-1263.
- 240. Question:** When will the consolidated regulations package be released incorporating all of the latest revisions handed out at the training? Will the regulations contain the SB 933 revisions? Is there a chance that the FC rates regulations will be revised in the near future?
Answer: The Department hopes to issue a consolidated regulation package containing changes resulting from SB 933 very soon. We hope that the CTF regulations will become final soon. Other than those, there are no immediate plans to make additional changes in the FC regulations in the very near future.
- 241. Question:** After a program's RCL has been reduced as a result of a provisional rate audit, how long will the RCL remain reduced?
Answer: The RCL will remain reduced until there is a subsequent change in the program to increase the RCL. The regulations preclude a rate increase for two years without an accompanying placement agency recommendation from the host or the primary placing counties and as specified in Section 11-425.12. Contact your Rates consultant for additional information. (MPP Sections 11-402.433(a) & (d))

- 242. Question:** Is there currently anything in writing concerning fraud audits?
Answer: No. The FCAB Fraud Investigation Unit is charged with investigating allegations of fraud for AFDC-FC Group Home and Foster Family Agency providers involved in fraudulent/illegal activities to ensure program funds are used to provide quality care for children in placement. Each investigation is tailored to the specific nature of the allegation/complaint.
- 243. Question:** Our group home has developed our own SR 2A, 2B, and 2C forms. Is that OK? Can you provide the forms to us on a disk? If so, it would greatly simplify monthly reviews.
Answer: A program may use their own versions of the SR forms, providing they contain the same elements as the State forms. For audit purposes, auditors will input your data into the State format. We do not have the SR forms on disk to provide to you, but understand that there may be some software available. You may wish to contact your association for information on automation and possible provision of disks.
- 244. Question:** Our group home also has an automated format. Auditors want us to break out component information. Will we be required to rewrite our automated program to comply with auditor's requirements?
Answer: No, Auditors will not ask you to rewrite your automated program. Auditors will always send hard copies of the required state forms and will ask you to complete them and then fax them back.
- 245. Question:** Are Probation funds considered FC funds? We have a six-bed group home and a contract with the county at the rate of \$5,000 per child. Our RCL rate is \$4,000 per child per month. The children are FC probation kids. Is this a problem?
Answer: Probation foster care placements are usually funded by AFDC-FC. A problem could occur if the county paid less than the approved rate for the RCL. However, a county may choose to pay more with county funds.
- 246. Question:** Are the SR A, B, C-WP forms to be filled out by the provider and faxed to the auditor with the regular SR A, B, C forms?
Answer: No, the SR-WP forms are audit workpapers used by the auditors during the field portion of the audit. We included copies and discussion of these forms during the training so that providers would be familiar with what the auditors will be reviewing. Providers may also wish to use these forms to organize their records.
- 247. Question:** Is SB 887 still alive?

Answer: The Governor vetoed SB 887 in October 1999. However, the provisions of SB 887 have been revived in SB 1980, which is currently moving through the legislative process.

248. Question: How much do auditors trust the word of the group home staff without documented proof?

Answer: The regulations for group home rate setting require documentation. Therefore, the auditors can not rely solely on verbal statements to substantiate the rate. If a group home cannot document paid-awake hours and weightings, disallowances will occur.

249. Question: Why do county placement agencies place children who are possibly RCL 13 in a group home with a lower RCL?

Answer: RCLs are assigned to programs, not children. County placement agencies are required to make the most appropriate placement to meet the needs of the child. Providers should assess whether placements are appropriate and, if not, contact the county placement worker.

CCL QUESTIONS

The CCL Policy Development Bureau responded to the following non-rate setting questions. Any additional CCL related question should be directed to your LPA.

250. Question: What occurs during a CCL Annual Visit?

Answer: The visit includes: (1) an assessment of the physical plant (buildings and grounds, furniture and fixtures, etc.); (2) a review of all required records (client/resident records, staff/volunteer records, and other records, including personnel and Board minutes); and (3) interviews with licensees, staff, and children.

251. Question: Are group home providers required to request a license capacity change while the roof is being fixed?

Answer: It depends on the extent of the repairs. For example, your license may indicate that you can house six clients, but because repairs are being made to a room that housed two clients, you can now only accommodate four clients. If the room is **temporarily** unavailable, there is no need to request a decrease in license capacity. If the room is going to be permanently unavailable for clients, then a decrease should be made on the license. Title 22 Section 84088(A) states that "No group home shall have more beds for children's use than approved by the licensing agency."

252. Question: Will CCL charge a fee to change my licensed capacity?

Answer: No.

253. Question: How do I know what the CCL requirements are for such things as size of rooms, and number of children allowed in rooms prior to being licensed?

Answer: Only two clients are allowed per room. Title 22 Section 84087b(1) states "No more than two children shall sleep in a bedroom." Regarding the size of the room, Title 22 Section 84087b(2) specifies that "Bedrooms shall be large enough to allow for easy passage and comfortable use of any required assistive devices, including but not limited to wheelchairs between beds and other items of furniture."

FOSTER CARE RATES

All FC rate setting questions should be addressed to your FCRB Rates Consultant. The main telephone number for the FCRB is (916) 323-1263. Their FAX number is (916) 324-9539. The mailing address for the FCRB is:

California Department of Social Services
Foster Care Rates Bureau
744 P Street, M.S. #19-74
Sacramento, CA 95814

FINANCIAL AUDITS

In accordance with MPP Section 11-405, the Group Home/FFA Financial Unit of the FCAB issued FCAL No. 2000-02 on March 13, 2000. This letter provides assistance to group home providers and FFAs in understanding the regulatory provisions and processes of the financial audit requirements implemented by Senate Bill 933. Please refer to that letter which contains answers to frequently asked questions about the financial audit requirements. In addition, FCAL No. 2000-04, dated March 27, 2000 provides information related to submission of the Financial Audit Report with the FY 2000/01 Annual Program Rate Application. You may also contact Mr Gene Devaurs, Manager, Group Home/FFA Financial Unit, at (916) 274-0445.